



Entered on Docket
November 01, 2011

A handwritten signature in black ink, appearing to read "R. B." followed by a stylized signature.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Twelfth Omnibus
Objection Of USACM Trust To Duplicate
Proofs Of Claim**

Hearing Date: October 18, 2011

Hearing Time: 1:30 p.m.

The Court having considered the "Twelfth Omnibus Objection Of USACM Trust To Duplicate Proofs Of Claim [DE 9064] (the Objection) at the hearing held on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing it is:

IT IS ORDERED that:

1. The Objection [DE 9064] is sustained;

1 2. **Exhibit A**, attached, lists Proofs of Claims that appear to be duplicates of
2 other proofs of claims that were filed by the same creditors in the USACM bankruptcy
3 estate;

4 3. **Exhibit A** identifies the claimant, the claimant's address, the claim number,
5 the amount of the duplicate claim, the basis for the objections, the claim number that the
6 USACM Trust counted as a valid claim and processed accordingly; and,

7 4. The duplicate Proofs of Claims listed on **Exhibit A** are disallowed in their
8 entirety.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (AZ #018024)

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14 John Hinderaker (*pro hac vice*)
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19 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 _____ I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
14 party has approved, disapproved, or failed to respond to the
15 document]:
1617 Counsel appearing: _____
1819 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
20 copy of this order with the motion pursuant to LR 9014(g), and that
21 no party has objected to the form or content of the order
22

14 U.S. Trustee: <u>Augie Landis</u>	15	16	17
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order		
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document		
18 Other Party: _____	19	20	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order		
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document		

23 Submitted by:
24 LEWIS AND ROCA LLP25 By: /s/ John Hinderaker. (AZ #018024)
26 Attorneys for USACM Liquidating Trust

#

USACM Trust

Duplicate Claims

Exhibit A

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-01168-2	Capital Mortgage Investors Inc 2999 NE 191St St Ste 905 Aventura, FL 33180-3115	12,951.80	Claim 10725-01168-2 is based on an investment in Bay Pompano. The claim is a duplicate of claim 10725-01168. The claim was erroneously filed twice. Claim 10725-01168 was allowed due to being matched to an allowed claim listed on the debtor's third amended schedule F-1.	10725-01168-2	12,951.80
10725-01194-2	KPT Irrevocable Trust Dtd 7/16/99 C/O Karen Petersen Tyndall Tee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	202,866.38	Claim 10725-01194-2 is based on investments in Gramercy Court and I-40 Gateway West, the claim is a duplicate of claim 10725-01194. The claim was erroneously filed twice. The USACM Trust requests this claim be disallowed in its entirety. Claim 10725-01194 has been resolved per orders disallowing claims based on the Gramercy Court and I-40 Gateway West loans.	10725-01194	202,866.38
10725-01204-2	Royal Landholdings LLC C/O Daniel J Mccarthy 300 S Grand Ave 37Th FL Los Angeles, CA 90071	7,910,109.00	Claim 10725-01204-2 was filed as a general unsecured claim. The claim is a duplicate of claim 10725-01204. The claim was erroneously filed twice. A stipulation was entered with the creditor to disallow Claim 10725-01204.	10725-01204	7,910,109.00
10725-01204-3	Royal Landholdings LLC C/O Daniel J Mccarthy 300 S Grand Ave 37Th FL Los Angeles, CA 90071	7,910,109.00	Claim 10725-01204-3 was filed as a general unsecured claim. The claim is a duplicate of claim 10725-01204. The claim was erroneously filed twice. A stipulation was entered with the creditor to disallow Claim 10725-01204.	10725-01204	7,910,109.00
10725-01210-2	Molina, Sergio & Irene Schmuker PO Box 859 12150 S Dart Rd Molalla, OR 97038	50,000.00	Claim 10725-01210-2 is based on an investment in Elizabeth May and is a duplicate of claim 10725-01210. The claim was erroneously filed twice. Claim 10725-01210 has been resolved per an order disallowing claims based on the Elizabeth May loan.	10725-01210	50,000.00

¹Claim may have been disallowed or allowed by order of this Court.

EXHIBIT A

2445877.1

Proof of Claim Being Disallowed as Duplicate	Claimant's Name and Address	Duplicate Claim Amount	Basis for Objection	Processed Claim Number ¹	Processed Claim Amount ¹
10725-01211-2	Molina, Sergio & Irene Schmuker PO Box 859 12150 S Dart Rd Molalla, OR 97038	50,000.00	Claim 10725-01211-2 is based on an investment in Bundy Canyon \$5,725,000 and is a duplicate of claim 10725-01211. Claim 10725-01211 was included in the objection to claims based on the Bundy Canyon \$5,725,000 loan.	10725-01211	50,000.00
10725-01241-2	Bolding, William & Carolyn 3961 Arizona Ave Las Vegas, NV 89104	50,466.67	Claim 10725-01241-2 is based on an investment in HFA Clear Lake and is a duplicate of claim 10725-01241. Claim 10725-01241 was included in the objection to claims based on the HFA Clear Lake loan.	10725-01241	50,466.67
10725-01275-2	Bolding, William & Carolyn 3961 Arizona Ave Las Vegas, NV 89104	48,047.32	Claim 10725-01275-2 is based on an investment in the DTDF and is a duplicate of claim 10725-01275. The claim was erroneously filed twice. Claim 10725-01275 was disallowed per objection to claims filed in the wrong debtor case.	10725-01275	48,047.32
10725-01276-2	Everett, Dan & Sandra M 921 Crystal Court Foster City, CA 94404	50,000.00	Claim 10725-01276-2 is based on an investment in Huntsville (West Hills Park Joint) and is a duplicate of claim 10725-01276. The claim was erroneously filed twice. Claim 10725-01276 has been resolved per an order disallowing claims based on the Huntsville (West Hills Park Joint) loan.	10725-01276	50,000.00
10725-01679-2	Westbrook, Connie 14320 Ghost Rider Dr Reno, NV 89511	169,880.86	Claim 10725-01679-2 is based on investments in Brookmere/Matteson \$27,050,000, Cabernet Highlands, LLC, HFA- Clear Lake LLC, and Wasco Investments LLC and is a duplicate of claim 10725-01679. The claim was erroneously filed twice. Claim 10725-01679 was replaced by claim 10725-1922.	10725-01679	169,880.86

¹Claim may have been disallowed or allowed by order of this Court.

EXHIBIT A